



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

July 13, 2022

(b) (6), (b) (7)(C)

Re: International Brotherhood of Teamsters
(IBT) Local 100 (Belvedere Productions,
LLC c/o Per Capita Productions)
Case 09-CB-287155

Dear (b) (6), (b) (7)(C)

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of March 11, 2022.

You allege that the Union unlawfully failed to hold an election for the steward position despite a petition from those working on the Employer's production and instead appointed a steward who you contend was also a supervisor. After a review of the evidence presented during the Regional investigation as well as the documents presented on appeal, it was concluded that there is insufficient evidence to establish that the Union violated the National Labor Relations Act (Act). As to the matter of the steward election, a review of the Union's by-laws establishes that the Executive Board has the discretion to either appoint or have the members working for the production elect a steward. The evidence disclosed that on movie productions, stewards can be appointed by the Executive Board because of the short duration of the work. Consistent with its by-laws, the Executive Board in this case decided to appoint a steward instead of holding an election. There is insufficient evidence to establish this decision was based on unlawful considerations. While you contend a statement was made to the effect that an election would not be held to prevent you from being selected as steward, the evidence presented in support of this contention is insufficient to find that the Union's actions in this regard violate the Act.

As to your assertion that the individual selected to serve as steward was also a supervisor, the probative evidence does not support this contention. Contrary to your position on appeal, the evidence submitted is insufficient to establish that the individual possessed the indicia necessary to be found be considered a supervisor under the Act. While you contend this individual may have acted as a supervisor on other productions, the evidence fails to establish that the individual was a supervisor on the production in issue.

According, your appeal is denied.

Sincerely,

Jennifer A. Abruzzo
General Counsel



By:

Mark E. Arbesfeld, Director
Office of Appeals

cc: MATTHEW T. DENHOLM
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